

ESTTA Tracking number: **ESTTA536674**

Filing date: **05/08/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Swift Fly Fishing		
Entity	LLC	Citizenship	New Zealand
Address	50 Frye Crescent Albert Town, 9305 NEW ZEALAND		

Attorney information	Darren S. Rimer Rimer & Mathewson LLP 30021 Tomas, Suite 300 Rancho Santa Margarita, CA 92688 UNITED STATES trademarks@rimermath.com Phone:949-367-1541
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Registration Subject to Cancellation

Registration No	2062238	Registration date	05/13/1997
Registrant	PURE FISHING, INC. 3281 EXECUTIVE CENTER DRIVE BOCA RATON, FL 33431 UNITED STATES		

Goods/Services Subject to Cancellation

Class 028. First Use: 1995/04/01 First Use In Commerce: 1996/05/01 All goods and services in the class are cancelled, namely: fishing reels
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Pet for cancellation.pdf(1906537 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Darren S. Rimer/
Name	Darren S. Rimer
Date	05/08/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In Re U.S. Registration No. 2,062,238

Swift Fly Fishing)	
)	Cancellation No.
Petitioner,)	
)	
vs.)	
)	
Pure Fishing, Inc.)	
)	
Registrant.)	
_____)	

PETITION FOR CANCELLATION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Dear Sir/Madam:

In the matter of U.S. Trademark Registration No. 2,062,238 for the mark EPIC, registered May 13, 1997, to Pure Fishing, Inc. (by way of assignment/merger) (“Registrant”), for fishing reels in International Class 28, Swift Fly Fishing, a New Zealand limited liability company, having an address of 50 Frye Crescent, Albert Town 9305, NEW ZEALAND (“Petitioner”), believes that it will be damaged by the continued registration of this trademark and hereby petitions to cancel the same.

As grounds for cancellation, it is alleged as follows:

1. Petitioner filed a trademark application for the mark EPIC FLY RODS for fishing poles, fishing reels, and a variety of other fishing accessories, in International Class 28, on April 9, 2012. Petitioner’s trademark application was assigned serial no. 85/593,032.

2. In connection with application serial no. 85/593,032, on July 23, 2012, the United States Patent and Trademark Office issued an Office Action for Petitioner's trademark application. A true and correct copy of this Office Action is attached hereto as **Exhibit 1**, along with a status copy of Registrant's registration.

3. The substantive basis for the rejection of Petitioner's trademark application was the existence of Registrant's trademark on the Principal Register, finding a likelihood of confusion between Applicant's mark as compared with the Registrant's mark.

4. Upon information and belief, Registrant has abandoned its registered mark for EPIC.

5. Registrant's abandonment of its trademark is evidenced by its lack of continued business in interstate commerce for the goods which are the subject of the registration.

6. Registrant's abandonment of its trademark is further evidenced by an e-mail exchange between the Registrant and the Petitioner, in which Registrant admitted that it had discontinued sales of its "Epic Reels" in "approximately 2002-2003." Attached as **Exhibit 2** is a true and correct copy of the e-mails exchanged between Petitioner and Registrant between January 25, 2013 and February 23, 2013.

7. Petitioner is and will be damaged by the continued existence of United States Registration No. 2,062,238 upon the Principal Register because Registrant's trademark, which has been abandoned, is serving as a bar to Petitioner's ability to register its trademark.

8. On the foregoing basis, Petitioner believes it has been damaged by, and will continue to be damaged by, the continued existence of United States Registration No. 2,062,238 .

9. To the best of Petitioner's knowledge, United States Registration No. 2,062,238 was last owned by Pure Fishing, Inc. The address listed for Registrant is 3281 Executive Center Drive, Boca Raton, FL 33431.

WHEREFORE, Petitioner prays for cancellation of United States Registration No. 2,062,238.

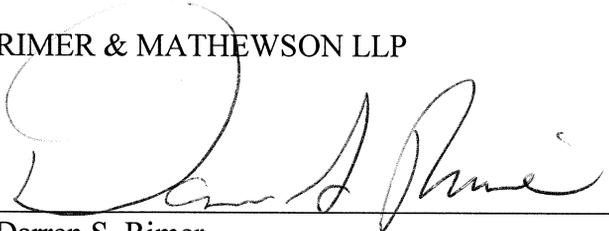
The filing fee for this Cancellation Action in the amount of \$300.00 (one international class) is being filed online.

Respectfully submitted,

RIMER & MATHEWSON LLP

Dated: 5/8/13

By:



Darren S. Rimer
30021 Tomas, Suite 300
Rancho Santa Margarita, CA 92688
(949) 367-1541

Counsel for Petitioner

EXHIBIT 1

To: Swift Fly Fishing (carl.mcneil@gmail.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85593032 - EPIC FLY RODS - N/A
Sent: 7/23/2012 8:28:42 AM
Sent As: ECOM110@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85593032

MARK: EPIC FLY RODS

85593032

CORRESPONDENT ADDRESS:

SWIFT FLY FISHING; SWIFT FLY FISHING
50 FRYE CRESCENT
ALBERT TOWN
9305
NEW ZEALAND

CLICK HERE TO RESPOND TO THIS LETTER
http://www.uspto.gov/trademarks/teas/response_forms.j

APPLICANT: Swift Fly Fishing

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

carl.mcneil@gmail.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: **7/23/2012**

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. See 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such

applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SUMMARY OF ISSUES THAT APPLICANT MUST ADDRESS

- Section 2(d) Likelihood of Confusion Refusal
- Disclaimer

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 2062238. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

The applicant has applied to register EPIC FLY RODS for “fishing poles; fishing reels; fishing rod blanks; fishing rod cases; fishing rod racks; fishing rods; fishing tackle; fishing tackle bags; fishing tackle containers; lines for fishing; reels for fishing; rods for fishing; structural parts of fishing rods, namely, guides, handles, reel seats.” The registered mark is EPIC for “fishing reels.”

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1355, 98 USPQ2d 1253, 1260 (Fed. Cir. 2011); *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

COMPARISON OF THE MARKS

In the present case, applicant's mark EPIC FLY RODS is similar to the registered mark EPIC in sound, appearance and connotation. The dominant portion of the applicant's proposed mark is the term EPIC which is the entire registered mark. Therefore, the marks create the same connotation. Overall, the marks have the same commercial impression.

Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. *See In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Disclaimed matter is typically less significant or less dominant

when comparing marks. *See In re Dixie Rests., Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1060, 224 USPQ 749, 752 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Please refer to the requirement below for a disclaimer of the generic wording FLY RODS. Thus the term EPIC is more significant and dominant in creating a commercial impression.

COMPARISON OF THE GOODS

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, it is sufficient to show that because of the conditions surrounding their marketing, or because they are otherwise related in some manner, the goods and/or services would be encountered by the same consumers under circumstances such that offering the goods and/or services under confusingly similar marks would lead to the mistaken belief that they come from, or are in some way associated with, the same source. *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); *see In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984); TMEP §1207.01(a)(i).

In this instance both the applicant and registrant providing fishing reels.

Since the marks are similar and the goods are related, there is a likelihood of confusion as to the source of applicant's goods. Therefore, applicant's mark is not entitled to registration.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

Applicant must respond to the requirement(s) set forth below.

DISCLAIMER REQUIRED

The applicant must insert a disclaimer of FLY RODS in the application because it is generic of a type of fishing rod. Please refer to attached definition of FLY ROD which refers to fishing equipment. *See* 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a).

The computerized printing format for the Office's *Trademark Official Gazette* requires a standardized format for a disclaimer. TMEP §1213.08(a)(i). The following is the standard format used by the Office:

No claim is made to the exclusive right to use "FLY RODS" apart from the mark as shown.

TMEP §1213.08(a)(i); *see In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

A "disclaimer" is a statement that applicant does not claim exclusive rights to an unregistrable component of a mark; it does not affect the appearance of the mark. TMEP §1213. An unregistrable component of a mark includes wording and designs that are merely descriptive or generic of the goods and/or services, and is wording or an illustration that others would need to use to describe or show their goods and services in the marketplace. 15 U.S.C. §1052(e); *see* TMEP §§1209.03(f), 1213.03 *et seq.*

RESPONSE GUIDELINES

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant's only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to live status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

ASSISTANCE

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/Tarah Hardy Ludlow/
Examining Attorney
Law Office 110
(571) 272-9361
tarah.hardy@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does

not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

Print: Jul 23, 2012

75011850

TYPED DRAWING

Serial Number

75011850

Status

REGISTERED AND RENEWED

Word Mark

EPIC

Standard Character Mark

No

Registration Number

2062238

Date Registered

1997/05/13

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

PURE FISHING, INC. CORPORATION IOWA 3281 EXECUTIVE CENTER DRIVE BOCA
RATON FLORIDA 33431

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: fishing
reels. First Use: 1995/04/01. First Use In Commerce: 1996/05/01.

Filing Date

1995/10/30

Examining Attorney

SMITH, JEFFREY

Attorney of Record

Julie C. VanDerZanden



You are here > Home > English Dictionary > Definition of "fly rod"

English > French > German > Spanish > Italian >

English Dictionary

Definition of "fly rod"

English Worldwide American English

Search >

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fly rod

Definitions

noun

a light flexible rod, now usually made of fibreglass or split cane, used in fly-fishing

Usage examples

Put a little cover and a half-foot fly-rod and a team of two flies will give you just as much fun

Commonness: No usage level data available.

Spread the Word

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But a little seven-and-a-half foot fly rod and a team of two flies will give you just as much fun.
SUN, NEWS OF THE WORLD (2002)

I bobbed downstream, moving faster and faster, still instinctively gripping my fly rod.
Tapply, William G FOLLOW THE SHARKS

I waved my arms awkwardly, seeking equilibrium, my fly rod a useless balancing staff.
Tapply, William G FOLLOW THE SHARKS

The Spec 9067 fly rod is a two-piece, 2.8m-long rod designed for use with six to seven weight fly lines.
THE ADVERTISER, SUNDAY MAIL (2004)

The river even boasts its own method of Clydestyle fishing -small, sparsely-tied teams of flies used with a lengthy fly rod.
SUN, NEWS OF THE WORLD (2002)

Comments

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| Suggest a Word | | |

To: Swift Fly Fishing (carl.mcneil@gmail.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85593032 - EPIC FLY RODS - N/A
Sent: 7/23/2012 8:28:42 AM
Sent As: ECOM110@USPTO.GOV
Attachments:

IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION

Your trademark application (Serial No. 85593032) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office (“USPTO”) has written a letter (an “Office Action”) on **7/23/2012** to which you must respond. Please follow these steps:

1. **Read** the Office letter by clicking on this [link](#) OR go to <http://tportal.uspto.gov/external/portal/tow> and enter your serial number to [access](#) the Office letter.

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. **Respond** within 6 months, calculated from **7/23/2012** (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System [Response to Office Action form](#). If you have difficulty using the USPTO website, contact TDR@uspto.gov.

3. **Contact** the examining attorney who reviewed your application with any questions about the content of the office letter:

/Tarah Hardy Ludlow/
Examining Attorney
Law Office 110
(571) 272-9361
tarah.hardy@uspto.gov

WARNING

Failure to file any required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.

Do NOT hit “Reply” to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, please use the Trademark Electronic Application System [Response to Office Action form](#).

TSDR is currently experiencing a problem with the display of some mark images. The images themselves are unaffected and TESS is displaying them correctly. In addition, some PDF documents filed via TEAS, between April 29th and May 1st, are not displaying properly in TSDR. The USPTO is aware of these problems and they are being addressed by staff at the USPTO. We sincerely apologize for any inconvenience this may cause. We hope to have these problems resolved soon and appreciate your patience.

STATUS

DOCUMENTS

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Mark: EPIC

No Image exists
for this case.

US Serial Number: 75011850

Application Filing Date: Oct. 30, 1

US Registration Number: 2062238

Registration Date: May 13, 1

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jun. 20, 2007

Publication Date: Jul. 09, 1996

Notice of Allowance Date: Oct. 01, 1

Mark Information

Mark Literal Elements: EPIC

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: fishing reels

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023,

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 01, 1995

Use in Commerce: May 01, 1

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes
Filed ITU: Yes	Currently ITU: No
Filed 44D: No	Currently 44D: No
Filed 44E: No	Currently 44E: No
Filed 66A: No	Currently 66A: No
Filed No Basis: No	Currently No Basis: No

Current Owner(s) Information

Owner Name: PURE FISHING, INC.

Owner Address: 3281 EXECUTIVE CENTER DRIVE
BOCA RATON, FLORIDA 33431
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: IOWA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Julie C. VanDerZanden

Attorney Primary Email Address: trademarks@k2sports.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Julie C. VanDerZanden
K-2 Corporation
4201 6th Avenue South
Seattle, WASHINGTON 98108
UNITED STATES

Phone: 206-805-4800

Fax: 206-805-4800

Correspondent e-mail: trademarks@k2sports.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 19, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 06, 2010	ATTORNEY REVOKED AND/OR APPOINTED	

Apr. 06, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 03, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 03, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 20, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67723
Jun. 20, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 11, 2007	ASSIGNED TO PARALEGAL	67723
May 11, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 11, 2007	PAPER RECEIVED	
Dec. 07, 2006	CASE FILE IN TICRS	
Jul. 15, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 22, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 22, 2003	PAPER RECEIVED	
May 13, 1997	REGISTERED-PRINCIPAL REGISTER	
Mar. 19, 1997	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 16, 1997	STATEMENT OF USE PROCESSING COMPLETE	
Jan. 14, 1997	USE AMENDMENT FILED	
Feb. 25, 1997	EXTENSION 1 GRANTED	
Jan. 14, 1997	EXTENSION 1 FILED	
Oct. 01, 1996	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 09, 1996	PUBLISHED FOR OPPOSITION	
Jun. 07, 1996	NOTICE OF PUBLICATION	
May 03, 1996	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 29, 1996	EXAMINER'S AMENDMENT MAILED	
Apr. 25, 1996	ASSIGNED TO EXAMINER	69780

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Section 15 - Accepted

Incontestability:

Renewal Date: May 13, 2007

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Jun. 20, 2

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

EXHIBIT 2

On the Fly Productions www.ontheflyproductions.com | The Swift Fly Fishing Company swiftflyfishing.com

Begin forwarded message:

From: "Stettnichs, Michelle" <mrstettnichs@purefishing.com>
Subject: RE: [Site Feedback] Epic Reels
Date: 23 February 2013 8:53:22 AM NZDT
To: "Carl McNeil" <carl.mcneil@gmail.com>

Hello,

Thank you for your inquiry

The year was approximately 2002-2003. We apologize there
Are no parts available.

Have a great weekend.

Sincerely,

Mitchell Customer Service
877 502 6482

From: Carl McNeil [<mailto:carl.mcneil@gmail.com>]
Sent: Friday, February 22, 2013 1:16 PM
To: Stettnichs, Michelle
Subject: Re: [Site Feedback] Epic Reels

Thank you very much

Can you tell me what year it was discontinued?

Regards

Carl

Carl McNeil

On the Fly Productions www.ontheflyproductions.com | The Swift Fly Fishing Company swiftflyfishing.com

On 29/01/2013, at 7:21 AM, Stettnichs, Michelle wrote:

Hello,

Thank you for your inquiry.

This reel has been discontinued. The most comparable reel to this model is now the Mitchell Avocet.

If you have further questions, please call our Mitchell Customer Service At 877 502 6482. We will be happy to assist you.

Sincerely,

Mitchell Customer Service
877 502 6482

We would like to hear about your service experience. Please click the link below to participate in our 5 question survey. We appreciate your feedback!

<http://www.surveymonkey.com/s/8HVRKRL>

mrs

-----Original Message-----

From: fishmitchell@purefishing.com [<mailto:fishmitchell@purefishing.com>] On Behalf Of carl.mcneil@gmail.com

Posted At: Friday, January 25, 2013 5:11 PM

Posted To: Inbox

Conversation: [Site Feedback] Epic Reels

Subject: [Site Feedback] Epic Reels

Carl McNeil sent a message using the contact form at <http://www.fishmitchell.com/contact>.

Hi here, can you tell me if you intend resurrecting the Epic Reels, or are they permanently discontinued?

Many thanks

Carl

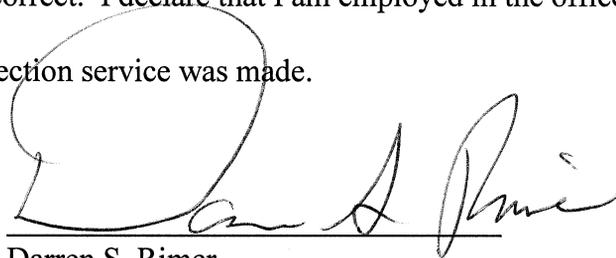
PROOF OF SERVICE

State of California)
) ss.
County of Orange)

I am over the age of 18 and not a party to the within action; my business address is 30021 Tomas, Suite 300, Rancho Santa Margarita, 92688. On May 8, 2013, the attached **PETITION FOR CANCELLATION** was served on all interested parties in this action by U.S. Mail, postage prepaid, at the address as follows:

Pure Fishing, Inc.
3281 Executive Center Drive
Boca Raton, FL 33431

Executed on May 8, 2013 at Rancho Santa Margarita, California. I declare under penalty of perjury that the above is true and correct. I declare that I am employed in the office of RIMER & MATHEWSON LLP at whose direction service was made.



The image shows a handwritten signature in black ink. The signature is cursive and appears to read 'Darren S. Rimer'. The signature is written over a horizontal line.

Darren S. Rimer